

COPY OF PAPERS  
ORIGINALLY FILED

Attorney Docket No. 55749 (70158)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Peter John McCann, et al.

EXAMINER: Not Yet Assigned

SERIAL NO.: 09/965,393

GROUP: 2171

FILED: September 27, 2001

FOR: APPARATUS, METHOD AND SYSTEM FOR WRITING DATA TO NETWORK  
ACCESSIBLE FILE SYSTEM WHILE MINIMIZING RISK OF CACHE DATA  
LOSS/DATA CORRUPTION

BOX MISSING PARTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on January 29, 2002.

By:

Fatima H. DeArruda

**RESPONSE TO NOTICE TO FILE MISSING PARTS FILING DATE GRANTED  
AND REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT**

Sir:

The following is in response to the Notice to File Missing Parts-Filing Date Granted (PTO-1533) mailed October 29, 2001, in the above referenced application.

A petition has also been filed herewith requesting a one (1) month extension of time to January 29, 2002, to respond to the above-referenced Notice to File Missing Parts.

Applicants also conditionally petition for further extension of time to provide for the possibility that such a petition is required. As indicated below, please charge Deposit Account No. **04-1105** for any required fee.

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RESPONSE TO MISSING PARTS NOTICE  
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Enclosed herewith for filing in the subject application are the following:

1. A copy of the Notice to File Missing Parts-Filing Date Granted for the subject application; and
2. A properly signed Declaration in compliance with 37 CFR §1.63 with Power of
3. Attorney, identifying the application by the above application number and date.

Completion of application filing fees as calculated below:

1. Basic Filing Fee .....	\$740.00
2. Total additional claim fees, \$396 for 22 claims over 20 and \$336 for 4 independent claims over 3 .....	732.00
3. Surcharge for late payment of filing fee and/or late filing of original declaration or oath .....	130.00
4. Fee for one (1) month extension of time.....	110.00
TOTAL .....	<u>\$1,712.00</u>

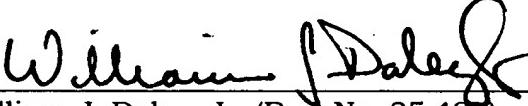
Enclosed herewith is a check for \$1,712.00 in payment of the total fee due. If however this fee is incorrect, then the Commissioner is authorized to change the deposit account as more particularly provided below.

Applicant also respectfully requests a corrected official filing to reflect any corrections resulting from the within Response and/or the enclosed declaration.

Peter John McCann, et al.  
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RESPONSE TO MISSING PARTS NOTICE  
Page 3

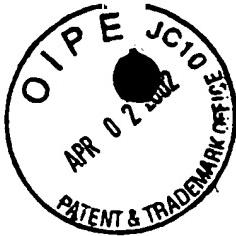
Applicant believes that additional fees are not required, however, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**. In particular, the Commissioner is hereby authorized to charge any deficiencies in the following fees: filing fees (37 C.F.R. §1.16(a), (f) or (g)); fees associated with the presentation of extra claims (37 C.F.R. §1.16(b), (c) and (d)); surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e)); extension fees pursuant to § 1.136(a) (37 C.F.R. §1.17(a)(1)-(5)); and application processing fees (37 C.F.R. §1.17).

Respectfully submitted,

Date: January 29, 2002 By:   
William J. Daley, Jr. (Reg. No. 35,487)  
Dike, Bronstein, Roberts & Cushman  
Intellectual Property Practice Group of  
Edwards & Angell, LLP  
PO BOX 9169  
Boston, MA 02209  
(617) 439-4444

Customer No: 21,874

BOS2\_189282.1



Attorney Docket No. 55749 (70158) (A)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Peter John McCann, et al.

EXAMINER: Not Yet Assigned

SERIAL NO.: 09/965,393

GROUP: 2171

FILED: September 27, 2001

FOR: APPARATUS, METHOD AND SYSTEM FOR WRITING DATA TO NETWORK  
ACCESSIBLE FILE SYSTEM WHILE MINIMIZING RISK OF CACHE DATA  
LOSS/DATA CORRUPTION

Box DUPLICATE OIPE  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202-2327

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**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on March 29, 2002.

By: William J. Daley  
William J. Daley, Jr.

.....

**RESPONSE TO REQUEST FOR SUBSTITUTED PAPERS**

Sir:

In response to the Request for Substitute Papers dated March 18, 2002, that was received March 21, 2002, enclosed are the documents originally filed on February 13, 2002 (certificate of mailing dated January 29, 2002), as follows:

Response to notice to file missing parts filing date granted and request for corrected official filing receipt (3 pp.).

Transmittal of formal drawings before notice of allowance including four (4) sheets of formal drawings figures (5 pp.).

Executed Declaration and power of attorney (6 pp.)

Executed recordation form cover sheet (1 p.)

Applicant: Peter John McCann, et al.  
U.S.S.N.: 09/965,393  
RESPONSE TO REQUEST FOR SUBSTITUTED PAPERS  
Page 2

- Executed and notarized assignment (4 pp.)
- Copy of notice to file missing parts of not provisional application (2 pp.)
- Petition and fee for extension of time (2 pp.)
- Executed Copy of Notice to File Corrected Application Papers (1 p.)

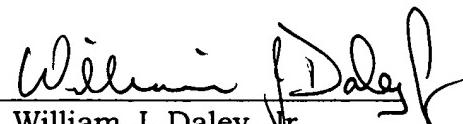
Applicants note that two checks totaling \$1,752.00 (1,712.00 + 40.00) were submitted with the originally filed papers.

Applicants believe that additional fees are not required for consideration of the within Response. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,  
EDWARDS & ANGELL, LLP  
DIKE, BRONSTEIN, ROBERTS & CUSHMAN  
*Intellectual Property Practice Group*

Date: March 29, 2002

By:

  
William J. Daley, Jr.  
(Reg. No. 35,487)  
P.O. Box 9169  
Boston, MA 02209  
(617) 439- 4444

Bos2 297095.1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Peter John McCann, et al.

EXAMINER: Not Yet Assigned

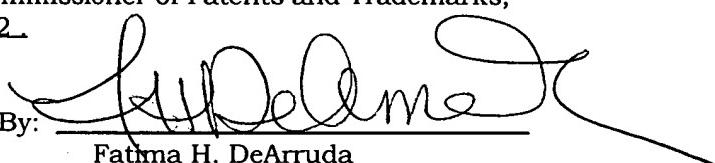
U.S.S.N.: 09/965,393

GROUP: 2171

FILED: September 27, 2001

FOR: APPARATUS, METHOD AND SYSTEM FOR WRITING DATA TO NETWORK  
ACCESSIBLE FILE SYSTEM WHILE MINIMIZING RISK OF CACHE DATA  
LOSS/DATA CORRUPTIONAssistant Commissioner for Patents  
Washington, D.C. 20231**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on January 29, 2002.

By:   
Fatima H. DeArruda

**TRANSMITTAL OF FORMAL DRAWING BEFORE NOTICE OF ALLOWANCE**

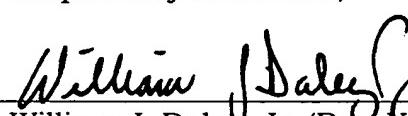
Sir:

Enclosed herewith please find Figure(s) 1 - 4 consisting of four (4) sheet(s) of the formal drawing for the subject application. This figure is/These figures are being submitted to correct the drawing informalities noted by the Draftsperson regarding the subject application. In accordance with 37 C.F.R. 1.84(c), identifying indicia is provided on the backside of each sheet.

Applicant(s) believe(s) that additional fees are not required for consideration of the within Transmittal. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,

By:

  
William J. Daley, Jr. (Reg. No. 35,487)  
Dike, Bronstein, Roberts & Cushman  
Intellectual Property Practice Group  
Edwards & Angell, LLP  
P.O. Box 9169  
Boston, MA 02209  
Telephone: 1-617-439- 4444

Customer No: 21,874

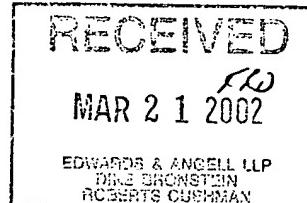


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

Application Number	Filing Date	First Named Applicant	Atty. Docket No.
09/965,393	09/27/2001	McCann, Peter	55749 (70158)

Dike, Bronstein, Roberts & Cushman  
 Intellectual Property Practice Group  
 EDWARDS & ANGELL, LLP  
 PO BOX 9169  
 Boston MA 02209



**Title:** Apparatus, method and system for writing data to network accessible file system while minimizing risk of cache data loss/ data corruption

Date Mailed: 03/18/2002

## Request for Substitute Papers

The papers filed on 02/13/02 (certificate of mailing dated 01/29/02) are no longer in condition to become part of the permanent records of the United States Patent and Trademark Office (USPTO) for this application (37 CFR 1.52(a)) due to the United States Postal Service sanitization process.

The USPTO requests that applicant provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the above-identified papers (signing and returning a copy of this notice will provide such a statement). The reply to this letter should be submitted to the USPTO by facsimile at the number indicated **703-746-4060(OIPE)**.

Alternatively, the reply to this letter may be hand-carried to the Customer Service Window located in Room 1B03 of Crystal Plaza Building 2, Arlington, Virginia, 22202.

The USPTO **strongly** prefers that the reply to this letter be submitted by facsimile. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery), the reply may be mailed to: Box Duplicate OIPE, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202-2327.

This letter is not a notice under 37 CFR 1.251. However, failure to timely replay to this notice within **two (2) weeks** of the date of receipt of this letter may result in the USPTO issuing a notice under 37 CFR 1.251. A copy of this notice should be included with the reply.

The enclosed papers are a complete and accurate copy of the above-identified papers.

Name: William J Daley Jr. Registration No: 35,487

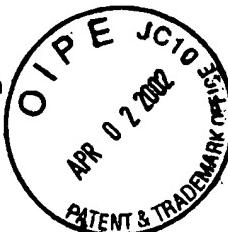
Signature: William J Daley Date: 3/29/02



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/965,393	09/27/2001	Peter John McCann	55749 (70158)



Dike, Bronstein, Roberts & Cushman  
Intellectual Property Practice Group  
EDWARDS & ANGELL, LLP  
PO BOX 9169  
Boston, MA 02209

**CONFIRMATION NO. 2956**  
**FORMALITIES LETTER**



\*OC000000006990107\*

Date Mailed: 10/29/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
~~Applicant must submit \$710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).~~
- Total additional claim fee(s) for this application is ~~\$732.00~~
- ~~\$396 for 22 total claims over 20.~~
- ~~\$320 for 4 independent claims over 3 .~~
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is ~~\$1712.06~~

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

*CJ*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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